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FILED
HARRISBURG, PA

MAY 06 2002

MARY E. D'ANDREA, CLERK
Per 9/6

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND
ADVOCACY, INC.,

Plaintiff,

v.

DEPARTMENT OF PUBLIC WELFARE
OF THE COMMONWEALTH OF
PENNSYLVANIA; *et al.*,

Defendants.

Civil Action No. 1:00-CV-1582

Judge Caldwell

**PLAINTIFF'S MOTION TO STRIKE CERTAIN EXHIBITS
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Pennsylvania Protection and Advocacy, Inc., through its counsel, submits this Motion to Strike the following exhibits to Defendants' Motion for Summary Judgment for the following reasons: (1) Exhibits E-1 through E-32 and E-35 through E-37 (various documents concerning, *inter alia*, activities at South Mountain Restoration Center that had never been identified or produced to Plaintiff); (2) Exhibits G-5 and G-8 (declarations that are not based on the

declarants' personal knowledge concerning two former residents of South Mountain Restoration Center); (3) Exhibits I-1, I-2, I-3, I-5, and I-6 (declarations of various DPW and SMRC personnel who Defendants never disclosed as potential witnesses); (4) Exhibit N (declaration of David Hoffman, an Assistant United States Attorney, who has never been identified as a potential witness and whose declaration, concerning the qualifications of two of Defendants' retained experts, is irrelevant); and (5) Exhibit R (letter from DPW employee concerning the need for specialized mental retardation services for SMRC resident Rosemary Y., which is inadmissible hearsay).

In support of this Motion, Plaintiff submits the attached Brief and Exhibits, which are incorporated by reference herein.

Respectfully submitted,

Dated: May 2, 2002

By:



Robert W. Meek
Robin Resnick
Disabilities Law Project
1315 Walnut Street, Suite 400
Philadelphia, PA 19107-4798
(215) 238-8070

and

Mark J. Murphy
Disabilities Law Project
1901 Law & Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1505
(412) 391-5225

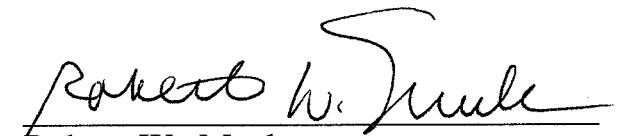
Counsel for Plaintiff

- IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Exhibits to Defendants' Motion for Summary Judgment. Defendants declined to concur in the Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of May, 2002.


Robert W. Meek